

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1995, each agency shall begin the rulemaking process by first filing a Notice of Proposed Rulemaking, containing the preamble and the full text of the rules, with the Secretary of State's Office. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the Arizona Administrative Register.

Under the Administrative Procedure Act (A.R.S. § 41-1001 *et seq.*), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CHAPTER 38. BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

##### PREAMBLE

1. **Sections Affected:** R4-38-104  
**Rulemaking Action:** Amend
2. **The specific authority for rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 32-2904(B)(1)  
Implementing statute: A.R.S. § 32-2914(A)(6)
3. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Elaine LeTarte, Executive Director  
Address: Board of Homeopathic Medical Examiners  
1400 West Washington, Room 230  
Phoenix, Arizona 85007  
Telephone: (602) 542-3095  
Fax: (602) 542-3093
4. **An explanation of the rule, including the agency's reasons for initiating the rule:**  
The Board received statutory authority in 1995 to set fees at its annual meeting in September. The Board voted unanimously at the 1995 annual meeting to increase the fees for dispensing physician registration and renewal. This increase will permit the Board to continue operation as a 90/10 agency and maintain its current level of services to the public and the licensees.
5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable.
6. **The preliminary summary of the economic, small business, and consumer impact:**  
None.
7. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**  
Name: Elaine LeTarte, Executive Director  
Address: Board of Homeopathic Medical Examiners  
1400 West Washington, Room 230  
Phoenix, Arizona 85007  
Telephone: (602) 542-3095  
Fax: (602) 542-3093

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**8. The time, place, and nature of the proceeding for the adoption of the rule:**

An oral proceeding has been scheduled as follows:

Date: May 22, 1996  
Time: 10 a.m.  
Location: Board of Homeopathic Medical Examiners  
1400 West Washington, Room 230  
Phoenix, Arizona 85007

A person may submit written comments regarding the proposed rules by submitting them no later than 5 p.m., May 22, 1996, to the address listed above.

**9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**  
Not applicable.

**10. Incorporations by reference and their location in the rules:**  
Not applicable.

**11. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 38. BOARD OF HOMEOPATHIC MEDICAL EXAMINERS**

**ARTICLE 1. GENERAL**

Section  
R4-38-104. Fees

**ARTICLE 1. GENERAL**

R4-38-104. Fees  
A. No change.

- B. No change.  
C. The fee for registration as a dispensing physician is ~~forty-five~~ \$200 with annual renewal of such registration ~~fifteen~~ \$150.  
D. No change.  
E. No change.  
F. No change.  
G. No change.  
H. No change.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 20. COMMERCE, BANKING, AND INSURANCE**

**CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA**

**PREAMBLE**

**1. Sections Affected:**

R20-5-601  
R20-5-602

**Rulemaking Action:**

Amend  
Amend

**2. The specific authority for rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 23-405(4)

Implementing statute: A.R.S. § 23-410

**3. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Catherine Neville, Assistant Director  
Address: Industrial Commission of Arizona  
Division of Occupational Safety and Health  
800 West Washington Street  
Phoenix, Arizona 85007  
Telephone: (602) 542-1695  
Fax: (602) 542-1614

**4. An explanation of the rule, including the agency's reasons for initiating the rule:**

R20-5-601 requires change to incorporate amendments to the hazard communication standards for the construction industry as published in 59 FR 65947-65948, December 22, 1994, corrections to the occupational exposure to asbestos standards for the con-

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struction industry as published in 60 FR 33974-34002, June 29, 1995; corrections to the standards and preamble for occupational exposure to asbestos in the construction industry as published in 60 FR 36043-36044, July 13, 1995; amendments to the safety standards for fall protection in the construction industry as published in 60 FR 39254-39255, August 2, 1995; and corrections and amendments to the occupational exposure to asbestos standards for the construction industry as published in 60 FR 50411-50413, September 29, 1995.

R20-5-602 requires change to incorporate amendments to the hazard communication standards for the general industry as published in 59 65947-65948, December 22, 1994, amendments to the occupational exposure to asbestos standards for the general industry as published in 60 FR 33974-34002, June 29, 1995, corrections and technical amendments to the standards for logging operations in general industry as published in 60 FR 47022-47037, September 8, 1995, and amendments to the occupational exposure to lead standards in the general industry as published in 60 FR 52856-52950, October 11, 1995.

Under its approved state program enforcing the Occupational Safety and Health Act, the state must adopt standards that are at least as effective as those adopted by the U.S. Department of Labor. Therefore, the Industrial Commission updates its occupational safety and health standards by adopting by reference the most current and applicable federal occupational safety and health standards for the construction and general industry.

**5. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

**6. The preliminary summary of the economic, small business, and consumer impact:**

The Federal Occupational Safety and Health Administration has determined that these amendments will have minimal to modest impact for most affected industry groups and has determined the amendments to be economically feasible. Cost and benefit analysis of these amendments is available for inspection, review, and copying at the Industrial Commission of Arizona, Division of Occupational Safety and Health, 800 West Washington Street, Phoenix, Arizona 85007.

**7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Catherine Neville, Assistant Director  
Address: Industrial Commission of Arizona  
Division of Occupational Safety and Health  
800 West Washington Street  
Phoenix, Arizona 85007  
Telephone: (602) 542-1695  
Fax: (602) 542-1614

**8. The time, place, and nature of the proceeding for the adoption of the rule:**

An oral proceeding has been scheduled as follows:

Date: May 28, 1996  
Time: 9:30 a.m.  
Location: Industrial Commission of Arizona  
Third Floor Conference Room  
Phoenix, Arizona 85007

Written comments may be submitted on or before 9:30 a.m., May 28, 1996.

**9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable.

**10. Incorporations by reference and their location in the rules:**

29 CFR 1926, Federal Occupational Safety and Health Standards for Construction Industry, with amendments as of September 29, 1995. This incorporation by reference will appear in R20-5-601.

29 CFR 1910, Federal Occupational Safety and Health Standards for General Industry, with amendments as of October 11, 1995. This incorporation by reference will appear in R20-5-602.

**11. The full text of the rules follows:**

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**TITLE 20. COMMERCE, BANKING, AND INSURANCE**

**CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA**

**ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH  
CONSTRUCTION STANDARDS**

**Section**

- R20-5-601. The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926
- R20-5-602. The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910

**ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH  
CONSTRUCTION STANDARDS**

**R20-5-601. The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926**

Each employer pursuant to ~~A.R.S. § 23-403(B)~~ shall comply with the standards enumerated in the federal Occupational Safety and Health Standards for Construction, as published in 29 CFR 1926, with amendments ~~up to and including (but not including any later amendments or editions) August 22, 1994~~ as of September 29, 1995, incorporated herein by reference and on file with the Office of the Secretary of State. Copies of these referenced materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office. These standards shall apply to all conditions and practices

related to construction activity by all employers, both public and private, in the state of Arizona. This incorporation by reference does not include amendments or editions to 29 CFR 1926 published after September 29, 1995.

**R20-5-602. The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910**

A. Each employer pursuant to ~~A.R.S. § 23-403(B)~~ shall comply with the standards enumerated in Subparts C through Z inclusive of the federal Occupational Safety and Health Standards for General Industry, as published in CFR 1910, with amendments ~~up to and including (but not including any later amendments or editions) October 12, 1994~~ as of October 11, 1995, incorporated herein by reference and on file with the Office of the Secretary of State. Copies of these referenced materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office. This incorporation by reference does not include amendments or editions to 29 CFR 1910 published after October 11, 1995.

B. No change.

C. No change.

D. No change.